



THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

April 28, 1953

Hon. Allan Shivers
Governor of Texas
Austin, Texas

Letter Opinion No. MS-27

Re: Constitutionality of Senate
Bill 144.

Dear Sir:

You have requested an opinion on the Constitutionality of Senate Bill 144, which amends Article 912a-24, Vernon's Civil Statutes by inserting the following provision:

" . . . provided that where cemeteries have heretofore been used and maintained within the limits hereinabove set forth, and additional lands are required for cemetery purposes, land adjacent to said cemetery may be, in cities having a population of seventy-eight hundred (7800) to seventy-nine hundred (7900), as shown by United States Census of A.D. 1950, laid out and used or the same may be sold to be used as an addition to such cemetery and the use of said additional lands for such purposes shall be exempt from the provisions of this section. . . ."

This provision applies only to Mineral Wells and Ennis. U.S. Census of Population: 1950. It can never apply to any other city. City of Fort Worth v. Bobbitt, 121 Tex. 14, 36 S.W.2d 470 (1931). Section 56 of Article III of the Constitution of Texas prohibits the enactment of local or special laws relating to cemeteries, graveyards, or public grounds not of the State. Since this provision is only applicable to Mineral Wells and Ennis it is our opinion that it violates the provisions of Section 56 of Article III of the Constitution of Texas and is unconstitutional. City of Fort Worth v. Bobbitt, supra.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By John Reeves
Assistant

JR:am:wb